

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

FILED

August 22, 2023

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

SANTANDER CONSUMER USA, INC.)

Plaintiff)

v.)

THE CITY OF SAN ANTONIO,)
ALANIS WRECKER SERVICE, LLC,)
and ALEJANDRO ALANIS)

Defendants)

BY: _____ ps
DEPUTY

CIVIL ACTION NO.
SA-21-CV-172-OLG

ORDER

On this date the Court considered the status of this case. After reviewing the record, including the parties' advisories on the status of parallel state court proceedings, the Court finds that this case should be stayed until all claims are fully and finally resolved in the first-filed, parallel state court proceedings.

Two years prior to the commencement of this lawsuit, nine lawsuits involving the same parties and issues were filed in state court. Those state lawsuits were later consolidated, and the consolidated action is still being litigated in the 131st Judicial District Court, Bexar County, Texas. Both the state court proceedings and these proceedings have been on parallel tracks since the inception of this lawsuit. All four parties in this lawsuit have also been parties in the state lawsuit. Currently, both lawsuits involve the same 28 vehicles; the same cause of action for conversion; the same request for injunctive and declaratory relief; and the same request for money damages. State claims against the City were dismissed on immunity grounds, but that judgment remains interlocutory. Santander did not

assert a § 1983 cause of action against the City in state court, but it could have done so and there are no apparent obstacles to still doing so.

Both sides have complained about gamesmanship and escalating costs as a result of litigating the same issues in both forums, yet none of the parties have taken steps to alleviate it. The claims asserted in this lawsuit could have been raised in the state lawsuit. Instead, after two years of state litigation and with no explanation, the parties began litigating the same dispute in a second forum. They have continued to litigate in both forums for an additional two years with no final resolution.

To conserve judicial resources, avoid inconsistent results, and alleviate the waste of duplicate or piecemeal litigation, the Court finds that this lawsuit should be STAYED until all claims between all parties have been fully and finally resolved in state court. The state court is more than capable of protecting the rights and interests of the parties, especially when the matter is a local concern arising from the enforcement of a city ordinance. When the state lawsuit is fully and finally resolved, and to the extent there are any remaining claims and issues that could not have been raised in state court and are not precluded from being litigated herein, the Court may lift the stay.

This case will be administratively closed during the pendency of the stay.

SIGNED and ENTERED this 22 day of August, 2023.



ORLANDO L. GARCIA
UNITED STATES DISTRICT JUDGE